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C O N F I D E N T I A L SECTION 01 OF 02 BEIJING 000208

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TAGS: PREL PGOV SOCI CH

SUBJECT: PRC HUMAN RIGHTS: IMPACT OF FOUR PARTY ELDERS' SUPPORT FOR LIU XIAOBO UNCLEAR

REF: 09BEIJING3509

Classified By: Political Section Chief Aubrey Carlson. Reasons 1.4 (b) and (d).

¶1. (C) Summary: On January 17, four Communist Party elders published an open letter questioning the legal basis for the conviction of rights activist and Charter 08 co-author Liu Xiaobo on charges of "inciting subversion." The letter did not call on the Chinese government to release Liu, but rather for a re-examination of the legality of the verdict. Liu's lawyer was skeptical about the impact of the letter on the outcome of his client's appeal, as was another activist contact, but a third contact claimed the four elderly party members remain influential. End summary.

¶2. (U) Four Chinese Communist elders published a January 17 open letter questioning the legality of the December 25 conviction of author and activist Liu Xiaobo on charges of "inciting subversion of state power." The letter, published on the website of the Chinese Independent PEN Center, was written by former People's Daily (Renmin Ribao) chief editor Hu Jiwei and signed by Chinese Academy of Social Sciences (CASS)-affiliated scholar He Fang, former official Xinhua News Agency deputy head Li Pu, and former Xinhua reporter Dai Huang. The letter questioned the legality of the verdict convicting Liu for inciting subversion. The letter also pointed out that allowing the court to violate China's constitution would damage China's image and the image of the Communist party and contradict the claim that China is a harmonious society and a country governed by rule of law.

Mixed Reaction from Lawyers; Activists

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¶3. (C) Beijing rights lawyer Li Fangping (protect) of the Ruifeng Law Firm told PolOff January 26 that he believed the open letter could have a positive impact on Liu's case because, although the authors were in their 80s and 90s, they remained influential in China's political system.

¶4. (C) In contrast, Liu Xiaobo's lawyer, Ding Xikui (protect) of the Beijing-based Mo Shaoping Law Firm, dismissed the possibility of the letter having a positive impact on the outcome of Liu's appeal and final sentence. Ding told PolOff January 26 that he did not believe any expressions of support would influence the court's final decision. In a January 25 conversation with PolOff, Zhu Juru (protect), a democracy activist and petitioner advocate, also doubted the ability of the elders to influence Liu's case.

Letter Text

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¶5. (U) Begin informal Embassy translation of the letter ([www.chinesepen.org](http://www.chinesepen.org)):

We are eighty- and ninety-year-old veteran members of the

Communist Party, and we were perplexed when reading the Beijing court ruling in the case of Liu Xiaobo.

The verdict said that Liu Xiaobo was guilty of "inciting subversion of state power" for using the term "federal republic." Younger comrades may not know, but we older comrades remember "federal republic" was the term used as early as the second National Congress of the Chinese Communist Party and was reaffirmed to be a correct term by the party constitution of the seventh National Congress of the Chinese Communist Party. Our party relied on this correct term to win people's hearts and thereby to defeat the Guomindang and to found the People's Republic of China in 1949.

Sixty years after the founding of the PRC, if the judges of the Beijing Court reversed right and wrong to discredit this term as evidence of "inciting subversion of state power," then where should our party's second NPC and seventh NPC, united front policy and national policy be placed? In what place would you put the party and nation's leaders of the older generation? We are puzzled.

We, these old comrades, think it is understandable and forgivable if young comrades do not understand party history.

However, ignorance cannot be an excuse for insulting and disrespecting party history, the party constitution and key party policy. Therefore, we consider it necessary to recommend to the current leaders: re-examine the legality of the Beijing Court verdict in Liu's case.

If the judges violated the Constitution, did not know party

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history, could not tell right from wrong, broke the law purposely and trumped up the case, then the national image and party's image would be seriously damaged and it would be difficult to prove that China is a country of rule of law and a harmonious society. If democracy, doctrine, rule of law, and human rights were tossed away, the hearts of these old comrades would be unsettled. We will die without our eyes closed. Wholeheartedly, please forgive us.

End text.  
HUNTSMAN